



**Gary A. Brown**  
President Pro Tem  
Detroit City Council



## **STATEMENT FROM DETROIT CITY COUNCIL PRESIDENT PRO TEM GARY A. BROWN REGARDING YES VOTE ON THE SEXUALLY-ORIENTED BUSINESS ORDINANCES**

February 23, 2010

I have taken the steps in the past several weeks and even before I came into office to research at great lengths all current and potential regulations for sexually-oriented businesses. Throughout this process, my primary focus was to make any decision based on Detroiters as a whole, not one group. These deliberations took into account recommendations from the City of Detroit Law Department, the Detroit Police Department (DPD) and the Planning Commission, along with comments from the residents and business owners. I take my role as Council President Pro-Tem very seriously in my legislative responsibility for Detroit citizens.

Today I voted to approve new zoning and licensing ordinances for sexually-oriented businesses that allow for stricter and enforceable regulations while also respecting a sexually-oriented business' (e.g., strip club) right to operate in our city and state. Here are the key features of the new ordinance that will take effect on April 1, 2010:

- New sexually-oriented establishments will be allowed to exist only in industrial areas and at least 1,000 feet from schools, churches and parks;
- Current establishments will not be allowed to expand;
- All employees will be licensed after passing a background check that protects patrons and the other employees from sexual predators;
- The performing must take place in a 600-square foot room;
- There must be an 18-inch high stage and the dancers can only perform on stage and not near the patrons; and
- The ordinance eliminates VIP rooms, which have historically become a health hazard.

Many have referenced the data from other cities that have either very strict regulations or banned strip clubs altogether. These cities are much different than Detroit, and we have to consider our state laws. Thus, I have based my decisions on the rule of law and the needs of our City.

Despite the negative impact on the community from a fiscal standpoint, the unintended consequences of driving adult entertainment underground would be too much to bear. As such, there are a number of factors why I did not support placing an alcohol ban in the ordinances.

An alcohol ban at these types of establishments would very likely increase after hours clubs which are harder for DPD to enforce. Allowing the establishments to continue to have liquor licenses gives the DPD greater power to regulate the establishments, including going into any area of their buildings without notice and without a warrant. Furthermore, it is unconstitutional to single out one group of businesses.

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If we were to place an alcohol ban, the business owners would likely sue on the basis that the alcohol ban was an unconstitutional taking of their property and the City could be liable for a substantial amount of financial damages to every establishment in the City. The City cannot afford these types of lawsuits.

We can recall from history that banning alcohol in the United States during prohibition in the 1920s created significantly more crime. In fact, statistics show that crime increased 300-percent through bootlegging whereby thousands of people were killed and there were not enough police officers to handle the situation. It was discovered that prohibition did not eliminate drinking, but drove drinking underground. Again, if we were to have banned alcohol at the sexually-oriented businesses, it would likely cause a great increase in after hours clubs that are much harder to enforce and also likely increase criminal sexual activity including that with minors.

Couple this with the loss of jobs and revenue to the city; it does not make any sense to close these businesses. We have crafted an ordinance that deals with public health and safety issues within the sexually-oriented business. The issues originating outside the club that concern the neighbors are real and I understand that. These issues must be handled through law enforcement with laws that are currently on the books.

Additionally, it was also suggested that we close down the sexually-oriented businesses altogether or move them to a district. This would cost the City of Detroit millions of dollars. Recent court cases show that in order for city government to close down these types of establishments legally, the city agency must buy them out.

I do believe the majority of residents would like these stricter regulations we instituted today while also allowing these establishments the freedom to operate and their customers the freedom to patronize them. These establishments through property and income taxes provide millions of dollars in revenue to the City of Detroit. The decision to craft these ordinances and vote yes on them today addresses the need for stricter enforcement and meets a court order deadline of March 31.

Now we as Detroit City Council can focus our attention more squarely on the budget issues that affect the entire city along with public safety and education.